

## SCHEDULE 1

### THE EMPLOYMENT TRIBUNALS RULES OF PROCEDURE

#### Modifications etc. (not altering text)

- C1** Sch. 1 applied (1.6.2015) by [The Control of Major Accident Hazards Regulations 2015 \(S.I. 2015/483\)](#), regs. 1(1), **23(6)** (with [reg. 3\(2\)](#))

### *THE RESPONSE TO THE CLAIM*

#### Sending claim form to respondents

**15.**—<sup>[F1]</sup>(1) Unless the claim is rejected, the Tribunal shall send a copy of the claim form, together with a prescribed response form, to each respondent with a notice which includes information on—

- (a) whether any part of the claim has been rejected; and
- (b) how to submit a response to the claim, the time limit for doing so and what will happen if a response is not received by the Tribunal within that time limit.

<sup>[F2]</sup>(2) If the Tribunal sends a copy of the claim form to an address for a respondent which differs from that provided on the claim form (whether or not a copy of the claim form has already been sent by the Tribunal to an address provided on the claim form), the Tribunal may also direct that the period for presentation of a response under rule 16(1) (response) begins from the date that a copy of the claim form is sent to that address.]

#### Textual Amendments

- F1** Sch. 1 rule 15 renumbered as Sch. 1 rule 15(1) (6.4.2024) by [The Employment Tribunals \(Constitution and Rules of Procedure\) \(Amendment\) Regulations 2024 \(S.I. 2024/366\)](#), regs. 1(1), **2(3)(a)**
- F2** Sch. 1 rule 15(2) inserted (6.4.2024) by [The Employment Tribunals \(Constitution and Rules of Procedure\) \(Amendment\) Regulations 2024 \(S.I. 2024/366\)](#), regs. 1(1), **2(3)(b)**

#### Response

**16.**—<sup>[F3]</sup>(1) The response must be on a prescribed form and presented to the Tribunal in accordance with any practice direction. Subject to any direction given under rule 15(2) (sending claim form to respondents), it must be presented within 28 days of the date that the copy of the claim form was sent by the Tribunal.]

(2) A response form may include the response of more than one respondent if <sup>[F4]</sup>the responses give rise to common or related issues of fact or law or if it is otherwise reasonable for the responses to be made on a single response form.]

(3) A response form may include the response to more than one claim if the claims <sup>[F5]</sup>give rise to common or related issues of fact or law or if it is otherwise reasonable for the responses to be made on a single response form.]

#### Textual Amendments

- F3** Sch. 1 rule 16(1) substituted (6.4.2024) by [The Employment Tribunals \(Constitution and Rules of Procedure\) \(Amendment\) Regulations 2024 \(S.I. 2024/366\)](#), regs. 1(1), **2(4)**

*Changes to legislation:* There are currently no known outstanding effects for the The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, THE RESPONSE TO THE CLAIM. (See end of Document for details)

- F4** Words in Sch. 1 rule 16(2) substituted (8.10.2020) by The Employment Tribunals (Constitution and Rules of Procedure) (Early Conciliation: Exemptions and Rules of Procedure) (Amendment) Regulations 2020 (S.I. 2020/1003), regs. 1(2), **8(a)**
- F5** Words in Sch. 1 rule 16(3) substituted (8.10.2020) by The Employment Tribunals (Constitution and Rules of Procedure) (Early Conciliation: Exemptions and Rules of Procedure) (Amendment) Regulations 2020 (S.I. 2020/1003), regs. 1(2), **8(b)**

### **Rejection: form not used or failure to supply minimum information**

17.—(1) The Tribunal shall reject a response if—

- (a) it is not made on a prescribed form; or
- (b) it does not contain all of the following information—
  - (i) the respondent's full name;
  - (ii) the respondent's address;
  - (iii) whether the respondent wishes to resist any part of the claim.

(2) The form shall be returned to the respondent with a notice of rejection explaining why it has been rejected. The notice shall explain what steps may be taken by the respondent, including the need (if appropriate) to apply for an extension of time, and how to apply for a reconsideration of the rejection.

### **Rejection: form presented late**

18.—(1) A response shall be rejected by the Tribunal if it is received outside the time limit in rule 16 (or any extension of that limit granted within the original limit) unless an application for extension has already been made under rule 20 or the response includes or is accompanied by such an application (in which case the response shall not be rejected pending the outcome of the application).

(2) The response shall be returned to the respondent together with a notice of rejection explaining that the response has been presented late. The notice shall explain how the respondent can apply for an extension of time and how to apply for a reconsideration.

### **Reconsideration of rejection**

19.—(1) A respondent whose response has been rejected under rule 17 or 18 may apply for a reconsideration on the basis that the decision to reject was wrong or, in the case of a rejection under rule 17, on the basis that the notified defect can be rectified.

(2) The application shall be in writing and presented to the Tribunal within 14 days of the date that the notice of rejection was sent. It shall explain why the decision is said to have been wrong or rectify the defect and it shall state whether the respondent requests a hearing.

(3) If the respondent does not request a hearing, or [<sup>F6</sup>the Tribunal] decides, on considering the application, that the response shall be accepted in full, [<sup>F7</sup>the Tribunal] shall determine the application without a hearing. Otherwise the application shall be considered at a hearing attended only by the respondent.

(4) If [<sup>F8</sup>the Tribunal] decides that the original rejection was correct but that the defect has been rectified, the response shall be treated as presented on the date that the defect was rectified (but [<sup>F9</sup>the Tribunal] may extend time under rule 5).

#### Textual Amendments

- F6** Words in Sch. 1 rule 19(3) substituted (27.1.2024) by The Employment Tribunals and Employment Appeal Tribunal (Composition of Tribunal) Regulations 2024 (S.I. 2024/94), regs. 1(1), **8(5)(c)(i)(aa)** (with reg. 9(b))
- F7** Words in Sch. 1 rule 19(3) substituted (27.1.2024) by The Employment Tribunals and Employment Appeal Tribunal (Composition of Tribunal) Regulations 2024 (S.I. 2024/94), regs. 1(1), **8(5)(c)(i)(bb)** (with reg. 9(b))
- F8** Words in Sch. 1 rule 19(4) substituted (27.1.2024) by The Employment Tribunals and Employment Appeal Tribunal (Composition of Tribunal) Regulations 2024 (S.I. 2024/94), regs. 1(1), **8(5)(c)(ii)(aa)** (with reg. 9(b))
- F9** Words in Sch. 1 rule 19(4) substituted (27.1.2024) by The Employment Tribunals and Employment Appeal Tribunal (Composition of Tribunal) Regulations 2024 (S.I. 2024/94), regs. 1(1), **8(5)(c)(ii)(bb)** (with reg. 9(b))

#### Applications for extension of time for presenting response

**20.**—(1) An application for an extension of time for presenting a response shall be presented in writing and copied to the claimant. It shall set out the reason why the extension is sought and shall, except where the time limit has not yet expired, be accompanied by a draft of the response which the respondent wishes to present or an explanation of why that is not possible and if the respondent wishes to request a hearing this shall be requested in the application.

(2) The claimant may within 7 days of receipt of the application give reasons in writing explaining why the application is opposed.

(3) [<sup>F10</sup>The Tribunal] may determine the application without a hearing.

(4) If the decision is to refuse an extension, any prior rejection of the response shall stand. If the decision is to allow an extension, any judgment issued under rule 21 shall be set aside.

#### Textual Amendments

- F10** Words in Sch. 1 rule 20(3) substituted (27.1.2024) by The Employment Tribunals and Employment Appeal Tribunal (Composition of Tribunal) Regulations 2024 (S.I. 2024/94), regs. 1(1), **8(5)(d)** (with reg. 9(b))

#### Effect of non-presentation or rejection of response, or case not contested

**21.**—(1) Where on the expiry of the time limit in rule 16 no response has been presented, or any response received has been rejected and no application for a reconsideration is outstanding, or where the respondent has stated that no part of the claim is contested, paragraphs (2) and (3) shall apply.

(2) [<sup>F11</sup>The Tribunal] shall decide whether on the available material (which may include further information which the parties are required by [<sup>F12</sup>the Tribunal] to provide), a determination can properly be made of the claim, or part of it. To the extent that a determination can be made, [<sup>F13</sup>the Tribunal] shall issue a judgment accordingly. Otherwise, a hearing shall be fixed <sup>F14</sup>.... [<sup>F15</sup>Where [<sup>F12</sup>the Tribunal] has directed that a preliminary issue requires to be determined at a hearing, a judgment may be issued by [<sup>F12</sup>the Tribunal] under this rule after that issue has been determined without a further hearing.]

**Changes to legislation:** There are currently no known outstanding effects for the The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, THE RESPONSE TO THE CLAIM. (See end of Document for details)

(3) The respondent shall be entitled to notice of any hearings and decisions of the Tribunal but, unless and until an extension of time is granted, shall only be entitled to participate in any hearing to the extent permitted by the Judge.

#### Textual Amendments

- F11** Words in Sch. 1 rule 21(2) substituted (27.1.2024) by The Employment Tribunals and Employment Appeal Tribunal (Composition of Tribunal) Regulations 2024 (S.I. 2024/94), regs. 1(1), **8(5)(e)(i)** (with reg. 9(b))
- F12** Words in Sch. 1 rule 21(2) substituted (27.1.2024) by The Employment Tribunals and Employment Appeal Tribunal (Composition of Tribunal) Regulations 2024 (S.I. 2024/94), regs. 1(1), **8(5)(e)(ii)** (with reg. 9(b))
- F13** Words in Sch. 1 rule 21(2) substituted (27.1.2024) by The Employment Tribunals and Employment Appeal Tribunal (Composition of Tribunal) Regulations 2024 (S.I. 2024/94), regs. 1(1), **8(5)(e)(iii)** (with reg. 9(b))
- F14** Words in Sch. 1 rule 21(2) omitted (27.1.2024) by virtue of The Employment Tribunals and Employment Appeal Tribunal (Composition of Tribunal) Regulations 2024 (S.I. 2024/94), regs. 1(1), **8(5)(e)(iv)** (with reg. 9(b))
- F15** Words in Sch. 1 rule 21(2) inserted (8.10.2020) by The Employment Tribunals (Constitution and Rules of Procedure) (Early Conciliation: Exemptions and Rules of Procedure) (Amendment) Regulations 2020 (S.I. 2020/1003), regs. 1(2), **10**

#### Notification of acceptance

**22.** Where the Tribunal accepts the response it shall send a copy of it to all other parties.

**Changes to legislation:**

There are currently no known outstanding effects for the The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, THE RESPONSE TO THE CLAIM.